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Promotion and protection of the rights of children

Report of the Third Committee

Rapporteur: Mr. Hassan Kassem **Najem** (Lebanon)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Promotion and protection of the rights of children" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 18th to 22nd, 28th, 36th and 46th meetings, on 20, 21, 22 and 29 October and 5 and 13 November 1998. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/53/SR.18–22, 28, 36 and 46).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Committee on the Rights of the Child;[1]

(b) Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/53/281);

(c) Note by the Secretary-General transmitting the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/53/311);

(d) Note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General for Children and Armed Conflict on the protection of children affected by armed conflict (A/53/482);

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 41* (A/53/41).

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(e) Letter dated 19 December 1997 from the Permanent Representative of Norway to the United Nations addressed to the Secretary-General transmitting the Agenda for Action adopted at the Oslo Conference on Child Labour, held in October 1997 (A/53/57);

(f) Letter dated 23 February 1998 from the Charge d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final documents of the eighth session of the Islamic Summit Conference, held at Tehran, from 9 to 11 December 1997 (A/53/72–S/1998/156);

(g) Letter dated 8 April 1998 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General transmitting the text of the final communiqué of the twenty-fifth session of the Islamic Conference of Foreign Ministers, held at Doha from 15 to 17 March 1998 (A/53/95–S/1998/311);

(h) Letter dated 10 November 1998 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/53/658–S/1998/1056).

4. At its 18th meeting on 20 October, the Committee heard introductory statements by the Under-Secretary-General, Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Director of the New York office of the United Nations High Commissioner for Human Rights (see A/C.3/52/SR.18).

II. Consideration of proposals

A. Draft resolution A/C.3/53/L.15

5. At the 28th meeting , on 29 October, the representative of Namibia, on behalf of *Afghanistan, Angola, Antigua and Barbuda, Australia, Austria,* the *Bahamas, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, Colombia,* the *Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus,* the *Czech Republic,* the *Democratic Republic of the Congo, Denmark,* the *Dominican Republic, Ecuador, El Salvador, Eritrea, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Lesotho, Liberia, Luxembourg, Malawi, Malaysia, Mali, Mauritius,* the *Federated States of Micronesia, Monaco, Mongolia, Mozambique, Namibia,* the *Netherlands, New Zealand, Nigeria, Norway, Panama, Portugal, Romania, Rwanda, San Marino, Slovenia, Suriname, South Africa, Spain, Sweden, Swaziland, Trinidad and Tobago, Turkey, Uganda, Ukraine,* the *United Kingdom of Great Britain and Northern Ireland,* the *United Republic of Tanzania, Uruguay, Venezuela, Zambia, and Zimbabwe,* introduced a draft resolution entitled "The girl child" (A/C.3/53/L.15). Subsequently *Algeria, Armenia, Azerbaijan,* the *Central African Republic, China,* the *Democratic People's Republic of Korea, Equatorial Guinea, Fiji, Guinea-Bissau, Guyana, India, Liechtenstein, Nepal, Paraguay, Peru,* the *Philippines, Poland,* the *Republic of Moldova, Senegal, Singapore,* the *Solomon Islands, Thailand, the former Yugoslav Republic of Macedonia, Tunisia* and the *United States of America* joined in sponsoring the draft resolution.

6. In introducing the draft resolution, the representative of Namibia orally revised it by replacing operative paragraph 19, which had read:

"19. *Calls upon* the Commission on Human Rights, when considering the human rights of women, in particular those relating to economic resources, to pay particular attention to all the human rights of the girl child",

by the following text:

"19. *Requests* the Commission on Human Rights to pay particular attention to the human rights of the girl child".

7. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.15, as orally revised, without a vote (see para. 13, draft resolution I).

B. Draft resolution A/C.3/53/L.14/Rev.1

8. At the 36th meeting on 5 November, the representative of Uruguay, on behalf of *Algeria, Andorra, Armenia, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, China, Côte d'Ivoire, Croatia, Cyprus,* the *Czech Republic, Denmark,* the *Dominican Republic, Estonia, Finland, France, Germany, Greece, Guinea-Bissau, Hungary, Iceland, Indonesia, Iraq, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Namibia,* the *Netherlands, New Zealand, Nigeria, Norway, Pakistan,* the *Philippines, Portugal,* the *Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Turkey, Turkmenistan, Ukraine,* the *United Kingdom of Great Britain and Northern Ireland, Uruguay* and *Uzbekistan* and the Group of Latin American and Caribbean States introduced a draft resolution entitled "The rights of the child" (A/C.3/53/L.14/Rev.1). Subsequently, *Azerbaijan, Benin, Botswana, Bhutan, Cameroon,* the *Central African Republic, Equatorial Guinea, Eritrea, Georgia, Guinea, India, Kenya, Lesotho, Liberia, Madagascar, Mali,* the *Marshall Islands,* the *Federated States of Micronesia, Nepal, Poland, Senegal, Sierra Leone, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda* and the *United Republic of Tanzania* joined in sponsoring the draft resolution.

9. In introducing the draft resolution, the representative of Uruguay orally revised it as follows:

(a) In section I, operative paragraph 9, the words "of the High Commissioner for Human Rights aimed at strengthening the implementation of the Convention" were deleted from the end of the paragraph;

(b) In section III, operative paragraph 12, the words "individuals who sexually exploit or abuse children" were replaced by the words "individuals who sexually exploit or sexually abuse children";

(c) In section IV, operative paragraph 1, the words "including the use of children as soldiers in such situations" were deleted after the words "armed conflicts on children";

(d) In section IV, operative paragraph 4, the words "to develop a common approach" were replaced by the words "to develop a concerted approach";

(e) In section IV, operative paragraph 10, the words "and effective disarmament" were added at the end of the paragraph.

10. At the 46th meeting, on 13 November, the representative of Uruguay further orally revised the draft resolution as follows:

(a) In section I, operative paragraph 2, the words "at the latest", which appeared between the words "universal adherence" and "by the tenth anniversaries", were deleted;

(b) In section I, operative paragraph 5, which had read:

> "5. *Welcomes* the fact that the Committee on the Rights of the Child held a thematic discussion on the rights of children living in a world with human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), and encourages States, United Nations bodies and organizations, in particular the Joint and Co-Sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank, to adopt appropriate measures with a view to realizing all of their rights"

was replaced by:

> "5. *Welcomes* the fact that the Committee on the Rights of the Child held a thematic discussion on the rights of children living in a world with human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), and urges Governments, in cooperation with United Nations bodies and organizations, in particular the Joint and Co-Sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank, to adopt all appropriate measures with a view to the realization of their rights";

(c) In section I, operative paragraph 7, the words "highest attainable standards" were replaced by the words "realization of the highest attainable standards";

(d) In section I, operative paragraph 14, the words "and further calls upon States parties" were replaced by the words "and also calls upon States parties";

(e) In section IV, operative paragraph 15, the word "relevant" was inserted before the word "measures";

(f) In section IV, operative paragraph 17, the words "the conscription or enlistment of child soldiers or using them to participate actively in hostilities as a war crime" were replaced by the words "the conscription, enlistment or use to participate actively in hostilities of child soldiers as a war crime";

(g) In section IV, operative paragraph 19, the words "entry into force by March 1999" were replaced by the words "entry into force on 1 March 1999", and the words "the entry into force on 3 December 1998 of" were inserted before the words "the amended Protocol".

11. At the same meeting, the Committee adopted draft resolution A/C.3/53/L.14/Rev.1, as orally revised, without a vote (see para. 13, draft resolution II).

C. Draft decision

12. At its 46th meeting, on 13 November, on the proposal of the Chairman, the Committee recommended to the General Assembly that it take note of the report of the Secretary-General on the status of the Convention on the Rights of the Child (A/53/281) (see para. 14).

III. Recommendations of the Third Committee

13. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

The girl child

The General Assembly,

Recalling its resolution 52/106 of 12 December 1997 and all previous relevant resolutions,

Also recalling the Beijing Declaration and Platform for Action of the Fourth World Conference on Women,[2] the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development,[3] the Programme of Action of the International Conference on Population and Development,[4] the Vienna Declaration and Programme of Action of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[5] the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s of the World Summit for Children, held in New York on 29 and 30 September 1990,[6] the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs adopted at the World Conference on Education for All,[7] the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996,[8] and the conclusions of the Commission on the Status of Women on critical areas of concern identified in the Beijing Platform for Action, adopted by the Commission at its forty-second session,[9] in particular those relating to the girl child,

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition, physical and mental health care and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices such as incest, early marriage, female infanticide, prenatal sex selection and female genital mutilation,

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[2] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[3] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[4] *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[5] A/CONF.157/24 (Part I), chap. III.

[6] A/45/625, annex.

[7] *Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5–9 March 1990*, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendices I and II.

[8] A/51/385, annex.

[9] *Official Records of the Economic and Social Council, 1998, Supplement No. 7* (E/1998/27), chap. I, sect. B.IV.

Deeply concerned also that girls, in particular adolescent girls, continue to be silent and invisible victims of violence, abuse and exploitation and that some legal systems do not address adequately the vulnerability of girls in the administration of justice, including the need for better protection of child victims and witnesses,

Stressing that discrimination and neglect of the girl child can initiate a lifelong downward spiral of deprivation and exclusion from the social mainstream,

Deeply concerned that in situations of poverty, war and armed conflict, girl children are among the victims most affected and that thus their potential for full development is limited,

Concerned that the girl child has furthermore become a victim of sexually transmitted diseases and the human immunodeficiency virus, which affects the quality of her life and leaves her open to further discrimination,

Reaffirming the equal rights of women and men as enshrined, *inter alia,* in the preamble to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women[10] and the Convention on the Rights of the Child,[11]

1. *Stresses* the need for full and urgent implementation of the rights of the girl child as guaranteed to her under all human rights instruments, including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, as well as the need for universal ratification;

2. *Urges* all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms, to take effective action against violations of those rights and freedoms and to base programmes and policies for the girl child on the rights of the child;

3. *Urges* States to base programmes and policies for the girl child on the rights of the child, the responsibilities, rights and duties of the parents and the evolving capacity of the girl child, in accordance with the Beijing Platform for Action and the Convention on the Rights of the Child;

4. *Also urges* States to prepare programmes for the girl child as part of their national action plans in order to implement fully the Beijing Platform for Action;

5. *Urges* all States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

6. *Calls upon* all States and international and non-governmental organizations, individually and collectively:

(a) To set goals and to develop and implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, to take into account the rights and particular needs of the girl child, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against the girl child;

[10] Resolution 34/180, annex.

[11] Resolution 44/25, annex.

(b) To take measures to ensure the non-discrimination and equal enjoyment of all human rights and fundamental freedoms of the girl child with disabilities;

(c) To generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

(d) To give attention to the rights and needs of adolescent girls, which call for special action for their protection from sexual and economic exploitation and abuse, harmful traditional and cultural practices, teenage pregnancy and vulnerability to sexually transmitted diseases and human immunodeficiency virus/acquired immunodeficiency syndrome and for the development of life skills and self-esteem, reaffirming that the advancement and empowerment of women throughout the life cycle must begin with the girl child at all ages;

(e) To review teaching materials, including textbooks, to promote the self-esteem of women and girls through positive self-images and to revise these materials, highlighting women's effective role in society, including in decision-making, development, culture, history, sports and other social, political and economic endeavours;

(f) To take measures to increase awareness of the potential of the girl child and to promote gender-sensitive socialization of boys and girls from early childhood, with the aim of achieving gender equality, development and peace within the family and the community;

(g) To ensure the equal participation of girls and young women on the basis of non-discrimination and as partners with boys and young men in social, economic and political life and the development of strategies and the implementation of action aimed at achieving gender equality, development and peace;

(h) To strengthen and reorient health education and health services, in particular primary health-care programmes, including in sexual and reproductive health, and to design quality health programmes that meet the physical and mental needs of girls and attend to the needs of young expectant and nursing mothers;

(i) To make information and counselling widely available to adolescent girls and boys, especially on human relationships, reproductive and sexual heath, sexually transmitted diseases and adolescent pregnancy, in a manner that is confidential and easily accessible, and to emphasize the equal responsibility of girls and boys;

(j) To provide adequate infrastructure and support services to respond to the needs of the survivors of violence against women and girls and to assist them towards full recovery and reintegration into society;

(k) To provide gender-sensitive training for personnel in the administration of justice, law enforcement agencies, security, social and health-care services, schools and migration authorities and to develop guidelines to ensure appropriate police and prosecutorial responses in cases of violence against women and girls;

7. *Urges* States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

8. *Also urges* States to eliminate all barriers so as to enable girls, without exception, to develop their full potential and skills through equal access to education and training;

9. *Urges* States, educational institutions and the United Nations system to provide gender-sensitive training for school administrators, parents and all members of the school community;

10. *Encourages* States to consider ways and means to ensure the continuing education and training of married women, pregnant women and young mothers and to protect them from discrimination;

11. *Urges* States to take special measures for the protection of children, in particular to protect girls from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict, paying special attention to refugee and displaced girls and taking into account the special needs of the girl child in the delivery of humanitarian assistance;

12. *Urges* States parties to fulfil the obligations they have undertaken under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women to protect women and girls from all forms of violence, including domestic violence, sexual exploitation and trafficking and child prostitution;

13. *Urges* States to formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies, which should be widely disseminated, to eliminate all forms of violence against women and girls and provide targets and timetables for implementation and effective domestic enforcement procedures through monitoring mechanisms, involving all parties concerned, including consultations with women's organizations;

14. *Also urges* States to implement measures to protect women and girls from all forms of violence, in line with the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences;

15. *Requests* all States to implement, on an urgent basis, measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;[8]

16. *Calls upon* Governments, civil society, including the media, and non-governmental organizations to promote human rights education and the full respect for and enjoyment of the human rights of the girl child, *inter alia*, through the translation, production and dissemination of age-appropriate information materials on these rights to all sectors of society, in particular to children;

17. *Calls upon* Governments to encourage efforts by civil society and non-governmental organizations, including women's organizations, to establish community-based groups or local committees that could assist with the safety and welfare of children;

18. *Requests* the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that all organizations and bodies of the United Nations system individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization and the Office of the United Nations High Commissioner for Refugees, take into account the rights and the particular needs of the girl child, especially in education, health and nutrition, and eliminate negative cultural attitudes and practices against the girl child in the implementation of the outcomes of all recent global conferences, in particular the Platform for Action of the Fourth World Conference on Women, and of the system-wide medium-term plan for the advancement of women for the period 1996–2001;[12]

[12] E/1993/43, annex.

19. *Requests* the Commission on Human Rights to pay particular attention to the human rights of the girl child;

20. *Requests* all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to regularly and systematically adopt a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

21. *Calls upon* States and international and non-governmental organizations to mobilize all necessary resources, support and efforts to realize the goals, strategic objectives and actions set out in the Platform for Action of the Fourth World Conference on Women;

22. *Also calls upon* States and international and non-governmental organizations to implement fully, as appropriate, the conclusions on the girl child adopted by the Commission on the Status of Women at its forty-second session.

Draft resolution II

The rights of the child

The General Assembly,

Recalling its resolutions 52/107 of 12 December 1997 and 52/106 of 12 December 1997 and Commission on Human Rights resolution 1998/76 of 22 April 1998,[13]

Reaffirming that the best interest of the child shall be the primary consideration in all actions concerning children,

Reaffirming the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,[14] notably its solemn commitment to give high priority to the rights of children, to their survival and to their protection and development, and reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[15] which, *inter alia*, states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography, and which reaffirms that all human rights and fundamental freedoms are universal,

Underlining the need for mainstreaming a gender perspective into all policies and programmes relating to children,

Welcoming that the special situation of children has been taken into account in the conclusion of the United Nations Diplomatic Conference of Plenipotentiaries on the

[13] *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[14] A/45/625, annex.

[15] A/CONF.157/24 (Part I), chap. III.

Establishment of an International Criminal Court, guided by the principles and provisions of the Convention on the Rights of the Child,[16]

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions aggravated by the current international financial crisis in an increasingly globalized world economy, pandemics, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance and disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action,

Recommending that, within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child, and welcoming the rights-based approach adopted by the United Nations Children's Fund and the steps taken to further increase system-wide coordination and inter-agency cooperation for the promotion and protection of the rights of the child,

Recalling the important open debate, and the statement made by the President of the Security Council on behalf of the Council on 29 June 1998, on children and armed conflict,[17]

Stressing the need to strengthen partnerships between Governments, international organizations and all sectors of civil society, in particular non-governmental organizations,

I

Implementation of the Convention on the Rights of the Child

1. *Welcomes* the unprecedented number of one hundred and ninety-one States that have ratified or acceded to the Convention on the Rights of the Child[16] as a universal commitment to the rights of the child;

2. *Once again urges* all States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority, with a view to reaching the goal of universal adherence by the tenth anniversaries of the World Summit for Children and of the entry into force of the Convention;

3. *Takes note* of the report of the Committee on the Rights of the Child,[18] and recognizes its important role in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

4. *Invites* the Committee on the Rights of the Child to further enhance the constructive dialogue with the States parties and the transparent and effective functioning of the Committee;

5. *Welcomes* the fact that the Committee on the Rights of the Child held a thematic discussion on the rights of children living in a world with human immunodeficiency

[16] Resolution 44/25, annex.

[17] S/PRST/1998/18.

[18] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 41* (A/53/41).

virus/acquired immunodeficiency syndrome (HIV/AIDS), and urges Governments, in cooperation with United Nations bodies and organizations, in particular the Joint and Co-Sponsored United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, the United Nations Children's Fund, the United Nations Population Fund, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank, to adopt all appropriate measures with a view to the realization of their rights;

6. *Reaffirms* the rights of all children affected by pandemics, particularly those living in a world with HIV/AIDS, to have access to health, education and social services and to be protected from all forms of discrimination, abuse or neglect;

7. *Welcomes* the increased attention given by the Committee on the Rights of the Child to the realization of the highest attainable standards of health and access to health care, and welcomes World Health Assembly resolution WHA/51.22 of 16 May 1998 on the health of children and adolescents;

8. *Invites* States parties, when reporting to the Committee on the Rights of the Child on the implementation of article 7 of the Convention, to provide information, in accordance with the reporting guidelines of the Committee, on their levels of birth registration and other relevant data in this regard;

9. *Requests* the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee on the Rights of the Child, and takes note of the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child and of the steps taken to ensure temporary support to the Committee in the framework of the Plan of Action;

10. *Calls upon* States parties to implement fully the Convention, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

11. *Expresses its concern* at the great number of reservations to the Convention, and urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

12. *Calls upon* States parties to take appropriate measures so that acceptance of the amendment to paragraph 2 of article 43 of the Convention by a two-thirds majority of States parties can be reached as soon as possible, in order for the amendment to enter into force, increasing the membership of the Committee on the Rights of the Child from ten to eighteen experts;

13. *Calls upon* States parties to the Convention to ensure that the education of the child shall be carried out in accordance with article 29 of the Convention and that the education shall be directed, *inter alia*, to the development of respect for human rights and fundamental freedoms, for the Charter of the United Nations and for different cultures and to the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, gender equality and friendship among peoples, ethnic, national and religious groups and persons of indigenous origin;

14. *Calls upon* States parties to the Convention, in accordance with their obligation under article 42 of the Convention, to make the principles and provisions of the Convention widely known to adults and children alike, and also calls upon States parties to encourage

training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

15. *Stresses* that the implementation of the Convention contributes to the achievement of the goals of the World Summit for Children, as emphasized in the report of the Secretary-General on progress at mid-decade on the implementation of General Assembly resolution 45/217 of 21 December 1990[19] and in his report on progress on the implementation of the World Declaration and Plan of Action of the World Summit for Children;[20]

16. *Encourages* the Committee, in monitoring the implementation of the Convention on the Rights of the Child, to continue to pay attention to the needs of children in especially difficult circumstances;

17. *Welcomes* the positive results of the cooperation between the Committee on the Rights of the Child and the United Nations Children's Fund, supports the rights-based approach adopted by the Children's Fund, and encourages its further development;

II

Children with disabilities

1. *Welcomes* the increased attention given by the Committee on the Rights of the Child to the equal enjoyment by children with disabilities of the rights of the child, and takes note of the thematic discussion held in 1997 on the rights of children with disabilities, as well as the recommendations adopted;

2. *Also welcomes* the decision by the Committee on the Rights of the Child to set up a working group to elaborate a plan of action for the Committee's future work on behalf of children with disabilities;

3. *Calls upon* all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and to develop and enforce legislation against discrimination against children with disabilities;

4. *Also calls upon* all States to promote for children with disabilities a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community, including effective access to education and health services;

5. *Emphasizes* the right to education as a human right, and calls upon States to make education accessible to children with special educational needs in a manner conducive to the child's achieving the fullest possible social integration and individual development and to adopt an integrated approach to providing adequate support and appropriate education for such children;

6. *Recognizes* the work done by the Special Rapporteur of the Commission for Social Development on disability, encourages him to continue to pay special attention to children with disabilities, and welcomes the invitation by the Economic and Social Council in its resolution 1997/20 to enhance cooperation between the Special Rapporteur and the Committee on the Rights of the Child;

[19] A/51/256.
[20] A/53/186.

7. *Calls upon* all States, in complying with their reporting obligations to the Committee under paragraph 1 of article 44 of the Convention, to include, in accordance with the Committee's guidelines, information on the situation and the needs of children with disabilities, including disaggregated data, and on the measures taken to ensure to such children their enjoyment of the rights under the Convention;

III

Prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography

1. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography,[21] which this year focuses on the issues of sale and trafficking of children, for all purposes of commercial sexual exploitation or otherwise, and expresses its support for her work;

2. *Requests* the Secretary-General to provide the Special Rapporteur with all necessary human and financial assistance to enable her to discharge her mandate fully;

3. *Supports* the work of the open-ended inter-sessional working group of the Commission on Human Rights on the elaboration of a draft optional protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography, and expresses the hope that it will make further progress prior to the fifty-fifth session of the Commission with a view to finalizing that work before the tenth anniversary of the Convention on the Rights of the Child;

4. *Invites* Governments, relevant specialized agencies, the Committee on the Rights of the Child, the relevant special rapporteur and intergovernmental and non-governmental organizations to provide comments, *inter alia*, on the scope of the optional protocol, prior to the next session of the working group;

5. *Calls upon* all States parties to fulfil their obligation under article 34 of the Convention, and also calls upon all States to support efforts in the context of the United Nations system aimed at adopting effective national, bilateral and multilateral measures for the prevention and eradication of the sale of children and of their sexual exploitation and abuse, including child prostitution and child pornography;

6. *Calls upon* States to criminalize all forms of sexual exploitation of children, including commercial sexual exploitation, and to condemn and penalize all those offenders involved, whether local or foreign, while ensuring that children victims of this practice are not penalized;

7. *Also calls upon* States to enact and enforce appropriate laws and to design and implement policies and programmes to protect children from sexual exploitation and abuse, in particular child prostitution, child pornography and child sex tourism;

8. *Further calls upon* States to review and revise, where appropriate, laws, policies, programmes and practices to eliminate all forms of sexual exploitation and abuse of children, including commercial sexual exploitation;

9. *Requests* all States to implement, on an urgent basis, measures to protect children from all forms of sexual exploitation and abuse, including measures in line with those outlined in the Declaration and Agenda for Action of the World Congress against

[21] A/53/311.

Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;[22]

10. *Encourages* regional and interregional efforts, such as the Child Welfare Experts' Conference of the Asia-Europe Meeting, held in London from 6 to 8 October 1998, to follow up the implementation of the Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, with the objective of identifying best practices and issues requiring particularly urgent action;

11. *Encourages* Governments to consult and facilitate the active participation of children who have been victims of sexual exploitation or abuse in the development and implementation of strategies to protect children from all forms of sexual exploitation and abuse;

12. *Stresses* the need to combat the existence of a market that encourages such criminal practices against children, including through preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children;

13. *Requests* States to increase cooperation and concerted action by all relevant law enforcement authorities and institutions, with a view to dismantling national, regional and international networks trafficking in children;

14. *Also requests* States to increase cooperation and concerted action, at the national, regional and international levels, to enforce measures to combat effectively all forms of sexual exploitation and abuse of children, in particular paedophilia, child sex tourism, child prostitution and child pornography, in particular its dissemination through the Internet;

15. *Urges* States, in cases of child sex tourism, to develop or strengthen and implement laws to criminalize the acts of nationals of the countries of origin when committed against children in the countries of destination, to ensure that a person who exploits a child for sexual abuse purposes in another country is prosecuted by competent national authorities, either in the country of origin or in the country of destination, to strengthen laws and law enforcement, including confiscation and seizure of assets and profits and other sanctions, against those who commit sexual crimes against children in countries of destination and to share relevant data;

16. *Invites* States and relevant United Nations bodies and agencies to allocate appropriate resources for comprehensive and gender-sensitive programmes to physically and psychologically rehabilitate child victims of trafficking and of any form of sexual exploitation and abuse and to take all appropriate measures to promote their full recovery and social reintegration;

IV

Protection of children affected by armed conflict

1. *Expresses grave concern* at the numerous damaging effects of armed conflicts on children, and emphasizes the need for the world community to focus increased attention on this serious problem with a view to bringing it to an end;

2. *Welcomes* the report of the Special Representative of the Secretary-General for Children and Armed Conflict,[23] and expresses its support for his work for children affected

[22] A/51/385, annex.

[23] A/53/482.

by armed conflict, in particular his efforts to raise worldwide awareness and to mobilize official and public opinion for the protection of children affected by armed conflict, including through field visits, with the consent of the State concerned, in order to promote respect for children's rights and needs in conflict and post-conflict situations;

3. *Notes* that, without adequate human resources, the effectiveness of the Special Representative will continue to be severely constrained, calls upon the Secretary-General to ensure that the necessary support is made available expeditiously to the Special Representative for the effective performance of his mandate, encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to continue to provide support to the Special Representative, and calls upon States and other institutions to provide voluntary contributions to the Special Representative;

4. *Calls upon* the Special Representative and all relevant parts of the United Nations system to continue to develop a concerted approach to the rights, protection and welfare of children affected by armed conflict, in order to place this issue within the mainstream of United Nations policy-making and programme activities and to increase cooperation within their respective mandates, including, as appropriate, in the follow-up to the recommendations and field visits of the Special Representative;

5. *Invites* Governments, regional organizations, intergovernmental organizations and non-governmental organizations to continue to cooperate with the Special Representative, taking into account his recommendations, and, in this context, welcomes the initiative of the Special Representative for a series of regional symposia on children and armed conflict, the first of which was held in London in June 1998, the others planned for Tokyo and for other regions;

6. *Welcomes* the information provided by the Special Representative in his report on field missions and country initiatives, calls upon Governments and other parties in the countries concerned to implement the commitments they have undertaken, and invites them to consider carefully and to address the recommendations of the Special Representative;

7. *Invites* the Special Representative to continue to include in his reports information on his field visits, including recommendations and, as appropriate, commitments obtained as well as follow-up to them;

8. *Invites* all States to accede to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

9. *Calls upon* all States and other parties to armed conflict to respect international humanitarian law, and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949[24] and the additional protocols thereto of 1977;[25]

10. *Urges* States and all other parties to armed conflict to adopt all necessary measures to end the use of children as soldiers and to ensure their demobilization and effective disarmament;

11. *Calls upon* States, United Nations bodies and agencies and other relevant humanitarian organizations to give priority to the respect for the rights of the child in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations,

[24] United Nations *Treaty Series*, vol. 75, Nos. 970–973.

[25] Ibid., vol. 1125, Nos. 17512 and 17513.

and to integrate those rights into all humanitarian and development activities, including emergency relief operations, country programmes and field operations aimed at promoting peace, preventing and resolving conflicts and implementing peace agreements;

12. *Urges* all Governments and parties in complex humanitarian emergencies, in particular armed conflicts and post-conflict situations, to ensure the safe and unhindered access of humanitarian personnel in conformity with the relevant provisions of international law and national laws, so as to allow them to efficiently perform their task of assisting children;

13. *Urges* States to ensure effective measures for the rehabilitation, physical and psychological recovery and reintegration into society of children affected by armed conflict, child soldiers, victims of landmines and other weapons and victims of gender-based violence, *inter alia*, through adequate education and training, and invites the international community to assist in this endeavour;

14. *Stresses* the importance of promoting and supporting local capacities to address at the local level, including through advocacy, the issue of children and armed conflict;

15. *Underlines* the importance of including relevant measures to ensure respect for the rights of the child in the areas of health and nutrition, formal, informal or non-formal education, physical and psychological recovery and social reintegration, be included in emergency and other humanitarian assistance policies and programmes;

16. *Stresses* the urgent need to raise the current human rights standards set by article 38 of the Convention on the Rights of the Child, supports the work of the open-ended inter-sessional working group of the Commission on Human Rights on a draft optional protocol to the Convention on the Rights of the Child related to the involvement of children in armed conflict and the task given to the chairperson of the working group by the Commission in its resolution 1998/76[13] to undertake broad informal consultations with a view to presenting a progress report to the working group at its next meeting, and expresses the hope that it will make further progress prior to the fifty-fifth session of the Commission with a view to finalizing this work;

17. *Welcomes* the ongoing efforts to bring to an end the use of children as soldiers, and, in this context, recognizes the contribution of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and recalls the qualification in the statute of the Court of the conscription, enlistment or use to participate actively in hostilities of child soldiers as a war crime, which will make it possible to end impunity for the perpetrators of such crimes;

18. *Notes with concern* the impact of small arms and light weapons on children in situations of armed conflict, in particular as a result of their illicit production and traffic, and calls upon States to address this problem;

19. *Welcomes* increased international efforts in various forums with respect to anti-personnel mines, recognizes the positive effect on children of those efforts, and, in this regard, takes due note of the entry into force on 1 March 1999 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and its implementation by those States that become parties to it, as well as of the entry into force on 3 December 1998 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices (Protocol I)[26] to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

[26] See CCW/CONF.I/16 (Part I).

Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[27] and its implementation by those States that become parties to it;

20. *Calls upon* States and relevant United Nations bodies to continue to support national and international mine action efforts, including by continuing to contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, and to take further action to promote gender- and age-appropriate mine-awareness programmes, victim assistance and child-centred rehabilitation, thereby reducing the number and the plight of child victims;

21. *Reaffirms* that rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide,[28] and calls upon all States to take all measures required for the protection of women and children from all acts of gender-based violence, including rape, sexual exploitation and forced pregnancy, to strengthen mechanisms to investigate and punish all those responsible and bring the perpetrators to justice;

22. *Condemns* the abduction of children in situations of armed conflict, and urges States, international organizations and other concerned parties to take all appropriate measures to secure the unconditional release of all abducted children;

23. *Recommends* that whenever sanctions are imposed their impact on children be assessed and monitored and that humanitarian exceptions be child-focused and formulated with clear guidelines for their application;

24. *Recalls* the importance of preventive measures such as early warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the rights of the child, and urges Governments and the international community to promote sustainable human development;

25. *Calls upon* all States, in accordance with the norms of international humanitarian law, to integrate in the training and gender-sensitized education programmes of their armed forces, including those for peacekeeping, instruction on responsibilities towards the civilian population, in particular women and children;

26. *Invites* Member States and relevant United Nations bodies and non-governmental organizations to consider the issue of how the impact of armed conflict on children can best be integrated into events designed to commemorate the tenth anniversary of the World Summit for Children and the entry into force of the Convention;

V

Refugee and internally displaced children

1. *Urges* Governments to pay particular attention to the situation of refugee and internally displaced children by continuing to design and improve the implementation of policies and programmes for their care and well-being with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and international humanitarian organizations;

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[27] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix XVII.

[28] Resolution 260 A (III).

2. *Calls upon* States and United Nations bodies, in recognizing the particular vulnerability of refugee and internally displaced children, to protect both their safety and their developmental needs, including health, education and psycho-social rehabilitation, and expresses its concern about adolescents in refugee camps, girls in particular, who are at risk of gender-based violence and sexual exploitation and abuse;

3. *Expresses its deep concern* about the growing number of unaccompanied refugee and internally displaced children, and calls upon all States and United Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

4. *Calls upon* all States and other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to the damaging effects of such conflicts, stresses the special vulnerability of child-headed households, and calls upon Governments and United Nations bodies to give these situations urgent attention, to enhance protection and assistance mechanisms and to involve women and youth in the design, delivery and monitoring of measures taken to this effect;

5. *Notes* the adoption by the Inter-Agency Standing Committee of the Guiding Principles on Internal Displacement, and invites the representative of the Secretary-General on internally displaced persons to pay special attention to the situation of internally displaced children in his work and to continue working closely with the Emergency Relief Coordinator and all agencies and organizations involved;

VI

Elimination of the exploitation of child labour

1. *Reaffirms* the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous to or interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

2. *Welcomes* the measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour,[29] and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

3. *Also welcomes* the recent holding of various international conferences on various forms of child labour;

4. *Further welcomes* the efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations,[18] and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining reports of States parties;

5. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, and urges

[29] *Official Records of the Economic and Social Council, 1993, Supplement No. 3* (E/1993/23), chap. II, sect. A, resolution 1993/79, annex.

them, as a matter of priority, to eliminate the worst forms of child labour, such as forced labour, bonded labour and other forms of slavery;

6. *Calls upon* all States that have not yet done so to consider ratifying the conventions of the International Labour Organization concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions;

7. *Encourages* the negotiations in the International Labour Organization of a new convention on the elimination of the worst forms of child labour, and calls upon States to actively support a prompt and successful conclusion in 1999;

8. *Calls upon* all States to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards, for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

9. *Recognizes* that primary education is one of the main instruments to reintegrate child workers, and calls upon all States to recognize the right to education by making primary education compulsory and to ensure that all children have access to free primary education as a key strategy to prevent child labour;

10. *Welcomes*, in this context, the appointment of a special rapporteur whose mandate will focus on the right to education, and recognizes the role that the special rapporteur could play in the efforts of States, in particular in the field of primary education;

11. *Calls upon* all States to systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour and to develop and implement strategies for combating these practices, with a specific emphasis on the situation of girls, their right to education and access to schools on an equal basis with boys, in close cooperation with the United Nations Educational, Scientific and Cultural Organization;

12. *Calls upon* all States and the United Nations system to strengthen international cooperation as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

VII

The plight of children living and/or working on the streets

1. *Expresses grave concern* at the large number of children living and/or working on the streets and at the continuing growth in incidents and reports worldwide of such children being affected by serious crime, drug trafficking and abuse, violence and prostitution;

2. *Welcomes* the continuing efforts of Governments, the United Nations system, and civil society to tackle this multifaceted problem;

3. *Calls upon* Governments to continue actively to seek comprehensive solutions to the problems of children living and/or working on the streets, including by helping to alleviate the poverty of such children, their families or guardians, by taking measures to ensure their reintegration into society and by providing, *inter alia*, adequate nutrition,

shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of violence, abuse, exploitation and neglect;

4. *Emphasizes* that the provisions of the Convention on the Rights of the Child and other relevant human rights instruments must constitute the standard in efforts to deal with this problem, and recommends that the Committee on the Rights of the Child and other relevant human rights treaty monitoring bodies continue to give attention to it when examining the reports of States parties;

5. *Strongly urges* all Governments to guarantee the respect for all human rights and fundamental freedoms, particularly the right to life, to take urgent measures to prevent the killing of children living and/or working on the streets, to combat torture and violence against them, to bring the perpetrators to justice and to ensure strict compliance with the Convention on the Rights of the Child and other relevant human rights instruments, including the requirement that legal and juridical processes respect the rights of the child;

6. *Calls upon* the international community to support, through effective international cooperation, the efforts of States to improve the situation of such children, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to take full account of the particular needs and rights of such children and to consider requesting technical advice and assistance for initiatives aimed at improving their situation;

VIII

Decides:

(a) To request the Secretary-General to submit a report on the rights of the child to the General Assembly at its fifty-fourth session containing information on the status of the Convention on the Rights of the Child and the problems addressed in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to submit to the General Assembly and the Commission on Human Rights reports containing relevant information on the situation of children affected by armed conflict, bearing in mind existing mandates and reports of relevant bodies;

(c) To continue its consideration of this question at its fifty-fourth session under the item entitled "Promotion and protection of the rights of the child".

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14. The Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Secretary-General on the status of the Convention on the Rights of the Child

The General Assembly takes note of the report of the Secretary-General on the status of the Convention on the Rights of the Child.[30]

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[30] A/53/281.